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AMERICAN GOVERNMENT AND POLITICS

THE THIRD SESSION OF THE SIXTY-SIXTH CONGRESS,
DECEMBER 6, 1920—MARCH 4, 1921*

LINDSAY ROGERS

Harvard University

The Legislative Record. Apart from the appropriation bills the legislative record of the third (and final) session of the Sixty-sixth Congress was almost entirely negative. That was to be expected. The only purpose of a short session is to care for supply and Congress is fortunate if it is able to do this. A session of the old Congress after the election of the new, is one of the most striking anomalies of representative government in the United States. In the present case, there was an exceptionally large number of "lame ducks"—fifteen senators and one hundred and fourteen representatives, although defeated, continued to legislate for three months. Congress is always inclined, furthermore, to wait for a new administration to disclose its plans and there was little use of passing legislation which would be objected to by Mr. Wilson. The President was not sparing in his use of the veto power, and disapproved a number of bills.

The Appropriation Bills. Until nearly the close of the session, the indications were that several of the appropriation bills would fail to pass. The Senate had devoted so much time to the Emergency Tariff Bill and to miscellaneous debate, that a legislative jam in the final days seemed inevitable. In the House the situation was much better. On February 17, Mr. Mondell was able to say that the House had "established a record in the prompt and early passage of appropriation bills. The last appropriation bill has passed the House at an earlier date than at any short session in the last twenty-five years."¹ This

* For previous notes on the work of Congress, see *American Political Science Review*, Vol. 13, p. 251 (1919), Vol. 14, pp. 74, 659 (1920).

¹ *Congressional Record*, p. 3547. On the other hand, Senator Poindexter said that the chief reason for the failure of the Naval Appropriation Bill was the late day (February 15) on which it was received from the House of Representatives. "As it came from the House of Representatives, the bill was in such

record was due, in part to the handling of all appropriation bills by a single committee and in part, also, to the fact that President-elect Harding, although "exceedingly hesitant" about expressing his views, anxious to avoid "any unbecoming intrusion," and begging Mr. Mondell not to "misconstrue," asked the leaders of the Senate and the House to get the appropriation bills out of the way "so that the new Congress can give its entire attention to the work which we all know it will have to perform."

HISTORY OF APPROPRIATION BILLS, THIRD SESSION

BILL (H. R.) NO.	TITLE	HOUSE RE- PORT NO.	PASSED HOUSE	SENATE RE- PORT NO.	PASSED SENATE	SENT TO CONFERENCE	CONFERENCE REPORT (HOUSE) NO.	CONFERENCE REPORT AGREED TO	DATE AP- PROVED	LAW NO.
			1920.		1921.	1921.		1921.	1921.	
15130	District of Co- lumbia.....	1124	Dec. 18	677	Jan. 19	Jan. 24	1321 ^a	Feb. 15-17	Feb. 22	326
15344	Pensions.....	1144	Dec. 23	742	Feb. 10	.....	.....	.....	Feb. 16	317
15422	Sundry civil.....	1153	Jan. 7	755	Feb. 9	Feb. 11	1355-1418	Mar. 3	Mar. 4	389
15441	Post Office.....	1154	Jan. 8	721	Feb. 18	Feb. 19	1350	Feb. 25	Mar. 1	337
15543	Legislative.....	1165	Jan. 14	774	Feb. 14	Feb. 16	1375	Mar. 1	Mar. 3	364
15682	Indian.....	1184	Jan. 20	744	Feb. 10	Feb. 12	1338	Feb. 25	...do....	359
15812	Agriculture.....	1212	Jan. 27	777	Feb. 23	Feb. 23-24	1384	Mar. 2	...do....	367
15872	Diplomatic and consular.....	1226	Jan. 31	773	Feb. 18	Feb. 19	1348	Feb. 24-25	Mar. 2	357
15935	Rivers and har- bors.....	1256	Feb. 1	776	Feb. 25	.....	.....	.....	Mar. 1	353
15943	Army.....	1264	Feb. 8	809	Feb. 26	Feb. 26-28	1398-1409	Mar. 3	.....	Vetoed.
15962	Deficiency (first for 1921).....	1274	Feb. 10	803	Feb. 18	Feb. 19	1346-1353	Feb. 24	Mar. 1	338
15975	Navy.....	1281	Feb. 14	816	.....	.....	.....	.....	.....	.....
16100	Fortifications.....	1326	Feb. 17	806	Feb. 26	.....	.....	.....	Mar. 3	368

^aAlso Senate Document 391.

Congress finished everything except the Naval Appropriation Bill which was withdrawn in the Senate. Advocates of economy were sufficiently strong to kill it by a filibuster, but the leaders, foreseeing its fate, did not force the issue. As reported to the Senate it carried one hundred million dollars more than as passed by the House, but the House had only consented to the bill on assurances from its leaders that no increases by the Senate should be allowed. So, even if the Senate had acted, the conference committee and the objections of the House would

form that, if it had been enacted into law, it would have led to the demoralization of the American Navy, and to a paralysis of the great organization which has been undertaken." *Ibid.*, March 3, p. 4571.

have been sufficient to defeat the measure. President Wilson vetoed the Army Appropriation Bill on the ground that it did not provide for a sufficiently large army. The other eleven bills became law.² Their history is given above. In spite of the drive for economy the total appropriations (including the navy bill as passed by the House) amounted to nearly four billions. A comparison of the 1922 figures with those for 1921 is given below.

Forty legislative riders were attached to the appropriation laws, but few were of any importance. The deficiency law authorized the reëxamination of midshipmen found deficient at the close of their last term; the postoffice law authorized the secretary of war to loan tractors to highway departments of states for use in the construction of roads; the diplomatic and consular bill provided for the appointment of a commission on embassy and legation buildings abroad; the legislative, executive and judicial law changed the title of the "Superintendent of Capitol Building and Grounds" to "Architect of Capitol;" the agricultural law appropriated two million dollars for loans to farmers in drought-stricken regions for the purchase of seed grain, and authorized the president to invite foreign governments to participate in a world's dairy congress.

Other Legislation. Congress passed 115 public laws, but 20 of these related to bridges and 60 others were of only local importance. It is worth while noting that 44 of them were approved by Mr. Wilson on the last two days of the session. There were 17 public resolutions, 47 private laws, and 2 private resolutions. Four measures became law since they were not signed ten days after their receipt by the President, but in two of these cases, the bills were lost.

The only features of the legislative output worth mentioning are an amendment to the Esch-Cummins Railroad Law (Public No. 328; February 26, 1921); an amendment to the Export Finance (Edge) Act to authorize the use of corporations as depositories in the Panama Canal Zone and United States possessions (Public No. 329; February 27); an amendment of the Trading with the Enemy Act (Public No. 332; February 27); an amendment of the Farm Loan Act (Public No. 379; March 4), and a joint resolution (S. J. Res. 191; Pub. Res. 54) creat-

² In the short session of the Sixty-second Congress the sundry civil bill and the Indian appropriation bill failed; at the close of the Sixty-fourth Congress, the army bill, the general deficiency bill, the military academy bill, the river and harbor bill, and the sundry civil bill failed; and at the short session of the Sixty-fifth Congress a filibuster in the Senate prevented the passage of six of the great annual supply acts and one deficiency bill. *Congressional Record*, p. 4743.

REGULAR AND PERMANENT ANNUAL APPROPRIATIONS FOR FISCAL YEAR 1922
COMPARED WITH APPROPRIATIONS MADE FOR FISCAL YEAR 1921^a

REGULAR ANNUAL APPROPRIATION ACTS (COMPLETED)	APPROPRIATIONS, FISCAL YEAR 1921.	APPROPRIATIONS, FISCAL YEAR 1922.	INCREASE (+) OR DECREASE (-), 1922 APPROPRIATIONS COMPARED WITH 1921 APPROPRIATIONS.
Agriculture.....	\$31,712,784.00	\$36,404,259.00	+\$4,691,475.00
Army (including Military Acad- emy).....	394,700,577.70	346,703,906.80	-47,996,670.90
Diplomatic and Consular.....	9,220,537.91	9,326,550.79	+ 106,012.88
District of Columbia.....	18,373,004.87	19,412,412.99	+ 1,039,408.12
Fortifications.....	18,833,442.00	8,038,017.00	-10,795,425.00
Indian.....	10,020,555.27	9,761,554.67	- 259,000.60
Legislative, executive, and ju- dicial.....	106,570,610.11	110,345,018.75	+ 3,774,408.64
Pension.....	279,150,000.00	265,500,000.00	-13,650,000.00
Post Office.....	504,434,700.00	574,057,552.00	+69,622,852.00
River and harbor.....	12,400,000.00	15,250,000.00	+ 2,850,000.00
Sundry civil.....	435,848,806.92	384,196,760.41	-51,652,046.51
Total, regular annual appro- priation acts, completed.....	1,821,265,018.78	1,778,996,032.41	-42,268,986.37
Regular annual appropriation act, pending.			
Naval.....	433,279,574.00	b396,001,249.23	-37,278,324.77
Grand Total, regular annual appropriation acts.....	2,254,544,592.78	2,174,997,281.64	-79,547,311.14
PERMANENT AND INDEFINITE APPROPRIATIONS.			
Interest on the public debt.....	975,000,000.00	922,650,000.00	- 52,350,000.00
Sinking fund.....	253,404,864.87	265,754,864.87	+ 12,350,000.00
Expenses of loans.....	12,499,182.96	.....	- 12,499,182.96
Roads, construction of.....	104,000,000.00	1,000,000.00	-103,000,000.00
Customs Service, repayments, etc..	20,200,000.00	27,000,000.00	+ 6,800,000.00
Indian funds, and interest on same.	23,775,000.00	23,475,000.00	- 300,000.00
Miscellaneous.....	38,847,752.29	60,896,496.00	+ 22,048,743.71
Increased compensation to certain employees (\$240 bonus).....	35,000,000.00	35,000,000.00	.....
Total, permanent and indefi- nite appropriations.....	1,462,726,800.12	1,335,776,360.87	-126,950,439.25
Miscellaneous, including \$18,600,000 for hospitals.....		20,000,000.00	+20,000,000.00
Grand total, regular annual and permanent and indefi- nite appropriations.....	3,717,271,392.90	3,530,773,642.51	-186,497,750.39
Deficiencies.....	c187,006,165.28	d275,256,005.21	+88,249,839.93
Railroads.....	800,000,000.00	.....	-800,000,000.00
Grand total.....	4,704,277,558.18	e3,806,029,647.72	-898,247,910.46

^a *Congressional Record*, March 4, p. 4734.^b As passed by the House.^c Deficiencies for 1920 and prior fiscal years.^d Deficiencies for 1921 and prior fiscal years.^e Including the naval bill as passed by the house.

ing a joint committee on the reorganization of the administrative branches of the federal government.

The measure for the reapportionment of representatives in Congress under the fourteenth census (H.R. 14498; House Report 1173) passed the House on January 19 but was not considered in the Senate. In its first form it would have increased the number of representatives from 435 to 483—one for every 218,986 of the population, instead of one for 242,415 as at present³ but the sentiment of the House was against the increase and the bill was amended to retain the present number 435. This, if adhered to, will mean a reduction in the representation of eleven states.⁴ But the matter went over to the Sixty-seventh Congress, and the self-denying ordinance may not be thought to be binding.

Presidential Vetoes. During the session, Mr. Wilson refused to approve 14 measures. Three were passed over his veto. The Senate voted 53—5, and the House 250—66, to override the veto (January 3, 1921) of the Senate Resolution (S. J. Res. 212) for the rehabilitation of the War Finance Corporation and for loans to farmers (Pub. Res. 55); the House Resolution providing for enlistments in the army to be discontinued until the quota was not more than 175,000 men (vetoed on February 5) was also passed over the President's objection (Pub. Res. 59), as was a measure relating to the drainage of Indian allotments of the Five Civilized Tribes of Indians (Public No. 355). In two cases, a two-thirds vote was lacking. These were a minor measure to issue a land patent to the Milk River Valley Gun Club of Montana (S. 793) and the emergency tariff bill, vetoed on March 3 (H. R. 15275). The House failed to override the veto by a vote of 201—132, and the political business which had consumed most of the Senate's time during the session came to naught.

In four cases no effort was made to overcome the President's objections: Senate 4526, to extend the date on which section 10 of the Trust Law relating to interlocking directorates would become effective, and three private measures. Included in Mr. Wilson's total of fourteen vetoes were five pocket vetoes. One of these was the bill for

³ See "Hearings before the Committee on the Census, House of Representatives, Sixty-sixth Congress, Third Session," on H. R. 14498, H. R. 15158, and H. R. 15217, December 28, 1920—January 6, 1921; House Document No. 918, and *Congressional Record*, January 18 and January 19.

⁴ The increase of the representatives to 483 would mean that no state would have its representation reduced. It may be added that the debate raised the question of the disfranchisement of the negro in the South and the possibility of legislation under the Fourteenth Amendment.

the temporary suspension of immigration (H. R. 14461); one was the army appropriation bill, which did not, in the President's opinion, make provision for an adequate army; and one was a measure for the reorganization of the war risk insurance bureau (H. R. 13558).⁵ The other two were bills for private laws.

Congressional Investigations. During the Sixty-sixth Congress, regular or special committees investigated the following matters: the price of coal; socialist activities in the federal trade commission; the strike of railroad employees; the peace treaty "leak;" reparation by Mexico; the status of C. A. K. Martens, of Russia; the shortage and price of sugar; the wheat situation and transportation problems in the Southwest; the amount and grades of cotton and wheat held in the United States; the whole question of public buildings and grounds; the suspension of Miss Alice Wood, a District of Columbia school-teacher; rents and the high cost of living in the District of Columbia; bread prices; the activities of government departments in public health matters; the eligibility of Victor Berger to membership in the House of Representatives; war department contracts and expenditures; budget systems; the shipping board and fleet corporation; the public school system in the District of Columbia; housing conditions and building construction; the Michigan senatorial election case; campaign expenditures of candidates for the presidential nominations; expenditures of the presidential candidates; the constitutionality of the peace treaty with France; war risk insurance matters; the case of Robert A. Minor, alleged distributor of Russian propaganda, who was detained in France; action by the attorney-general on the Louisiana sugar situation; loans to foreign countries; illegal entry of aliens across the borders of the United States; deportation proceedings; loans by the federal reserve board on wheat and other cereals; print paper prices; speculation by United States grain corporation officials; cotton acreage; Canadian control of railroads in the United States; living conditions of railroad trainmen who

⁵ It may be said that during the first two sessions of the Sixty-sixth Congress, Mr. Wilson vetoed fourteen other measures. Two of these were passed over his veto: the prohibition enforcement bill, and the repeal of the daylight saving law. Four measures vetoed became law in substituted and modified bills. In two cases the two-thirds vote was lacking: the resolution (H. J. Res. 327, vetoed May 27, 1920) terminating the state of war and the bill providing a budget system. In three cases no effort was made to override the veto, and at the close of the second session, three measures failed under a pocket veto. Most of these facts have been given in previous notes in this *Review*, but are here summarized to make a complete record of the vetoes during the Congress.

lie over between trips; mining conditions in Pennsylvania and West Virginia; coal costs to railroads; discrimination in prices paid for live stock; oil and petroleum prices; the price of shoes; animal feeds; loose-leaf tobacco prices; causes of the steel strike; the federal board for vocational education; conditions in the Virgin Islands and what constitutes a "fighting navy."

This list is much longer than that of the Sixty-fifth Congress, because of the fact that the Congress was Republican and the President Democratic, although, as will be seen from the enumeration, the purpose was not only to investigate the executive, but to secure information for the legislature. In addition to these investigations, which were actually held, nearly two hundred other inquiries were proposed, but not sanctioned by the chambers, and the regular committees, in the course of ordinary activities (hearings on appropriation bills, for example) probed into many executive matters which have not been mentioned.

Notes on Procedure. The business of the session raised a number of interesting questions of congressional procedure. There was the usual discussion of the seniority rule for the chairmanships of the committees, with proposals for supplanting it by free election. But the admitted evils of a system under which men hold their posts not according to fitness but to length of service are known while those of a new scheme are not, and no change is contemplated. In the Senate, the situation was amazing. For day after day it laid the appropriation bills aside and discussed a makeshift, compromise tariff bill when it was sure that President Wilson's inevitable veto could not be over-ridden. With a very few exceptions the Senate confirmed no appointments; they, and the pending treaties, were left for recommendations from the incoming President.

The House of Representatives at times showed its restlessness under the unavoidable, but occasionally irksome and unsatisfactory dictatorship by a steering committee. But, in addition to the incidents concerning points of no quorum and individual filibusters, which make the observer wonder whether the House is a deliberative body, there were several important questions raised by the operation of the new House rules concerning appropriation bills.

The House Budget Rules. At the preceding session, to prepare for the operation of the budget bill, the House revised its rules so that a single committee on appropriations, consisting of 35 members, would deal with the budget, and, pending its inauguration, with all the appro-